

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JAN 26 2016

Clerk, U.S. District Court
District Of Montana
Missoula

KEGAN JAMES SALTER,

Petitioner,

vs.

LEROY KIRKEGARD,

Respondent.

CV 15-20-M-DLC-JCL

CV 15-23-M-DLC-JCL

ORDER

KEGAN JAMES SALTER,

Petitioner,

vs.

LEROY KIRKEGARD; ATTORNEY
GENERAL OF THE STATE OF
MONTANA

Respondents.

United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in these two cases on December 16, 2015. In CV 15-20-M-DLC-JCL, Judge Lynch recommends that Petitioner Kegan James Salter's ("Salter") petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, be denied on the merits. As to Salter's § 2254 petition in CV 15-23-M-DLC-JCL,

Judge Lynch recommends that Salter's claim regarding the affirmative defense to the charge of conspiracy to commit custodial interference go forward (*See* Doc. 16), but that his petition be denied on the merits in all other respects. Salter did not object to the findings and recommendations regarding either case, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch's conclusions regarding Salter's claims related to his escape conviction, or in Judge Lynch's conclusions regarding Salter's ineffective assistance claims.

Accordingly, IT IS ORDERED that Judge Lynch's findings and recommendations (Doc. 16 in CV 15-20-M-DLC-JCL; Doc. 15 in CV 15-23-M-DLC-JCL) are ADOPTED IN FULL.

1. All claims in Salter's Amended Petition (Doc. 3) in CV 15-20-M-

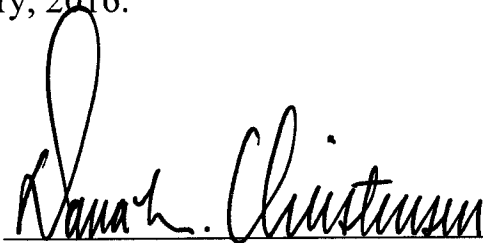
DLC-JCL are DENIED on the merits, and the petition is DISMISSED.

2. Except as to Salter's claims regarding an affirmative defense to the charge of conspiracy to commit custodial interference, all other claims in his Petition (Doc. 1) in CV 15-23-M-DLC-JCL are DENIED on the merits.

3. A certificate of appealability is DENIED on all claims in CV 15-20-M-DLC-JCL.

4. The Clerk of Court shall enter, by separate document filed in CV 15-20-M-DLC-JCL, judgment in favor of Respondent and against Petitioner.

DATED this 26th day of January, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court